

REMARKS

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1-10, 21-32, 34, 35 and 38-40 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-10 and 21-40 are pending.

35 U.S.C. §101 Rejections

The Office Action rejects claims 21-26 and 33-40 under 35 U.S.C. §101 as allegedly being directed toward non-statutory matter. More particularly, claim 21 is allegedly directed merely toward computer software because "means for" language in claim 21 is interpreted to include an allegedly non-statutory graphical user interface. Applicants traverse the above rejection of claims 21-26 and 33-40 for at least the following reasons.

Claim 21 is amended herein to recite "a means for displaying a graphical user interface (GUI) including a hierarchical tree structure...". Applicants respectfully submit that in amended claim 21 the **means for displaying** a GUI are to be distinguished from **the actual GUI** displayed by said means. Moreover, as set forth in 35 U.S.C. §112, ¶6, a "means for" element in a claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. Applicants respectfully submit that physical structure for the various means for limitations of amended claim 21 is supported at least in FIG. 17 and paragraphs [00059] and [00098]-[000102] of the specification. Furthermore, Applicants note that amended claim 21 further recites – in addition to various "means for" elements – a managed bean server and an application server. For at least the foregoing reasons, Applicants respectfully submit that amended claim 21 is not merely directed to software. Therefore, Applicants respectfully request that the 35 U.S.C. §101 rejection of claims 21-26 and 33-40 be withdrawn.

35 U.S.C. §103(a) Rejections

35 U.S.C. §103(a) Rejection over *Sylor* in view of *Melillo*

The Office Action rejects claims 1-9, 21-31 and 33-38 under 35 U.S.C. §103(a) as being obvious in light of *Sylor* et al, USPN 2002/0186238 (hereinafter “*Sylor*”) in view of *Melillo*, USPN 2004/0003122 (hereinafter “*Melillo*”). For at least the following reasons, Applicants traverse the above rejection.

Applicants respectfully submit that each of the above rejected claims is not obvious in light of *Sylor* and *Melillo*, based at least on the failure of the references to teach or suggest (emphasis added):

“...monitoring a managed bean server with a monitor service of an application server,... wherein monitoring the managed bean server includes,

the **monitor service creating a hierarchical monitor tree in the managed bean server** according to **semantics retrieved by the monitor service**, the hierarchical monitor tree including a plurality of **monitor tree nodes each having a monitor managed bean**, and

one of the monitor managed beans of the plurality of monitor tree nodes **retrieving monitoring data** of one of the plurality of resources via a runtime bean of the managed bean server;...”

as variously recited in current independent claims 1, 21, and 27. The claim amendments are supported in the original disclosure at least by FIGS. 4 and 5 and by paragraphs [00027], [00033], [00039], [00048] and [00051] of the specification.

In rejecting the above claims, the Office Action relies on *Sylor* paragraphs [0019] and [0146] as allegedly disclosing a displayed hierarchical monitor tree having a plurality of selectable hierarchical monitor tree nodes, wherein each of the plurality of hierarchical monitor tree nodes corresponds to a resource. Without agreeing as to the alleged basis for the above rejection, Applicants simply note that *Sylor* fails to provide any teaching or suggestion of a monitor service monitoring a managed bean server, including the monitor service **creating in the managed bean server** a hierarchical monitor tree according to semantics retrieved by the monitor service. In *Sylor* a monitoring system 80 receives from a monitored environment 25 certain events about monitored resources, and then writes those events to a state repository 70. See, e.g. *Sylor* FIG. 4A, paragraph [0198]. A

separate views repository 75 is also accessed to retrieve information about a logical hierarchy 30 of the resources which is used for creating a graphical display to a user. See, e.g. *Sylor* FIG. 1A, 5B and paragraph [0052]. Accordingly, in *Sylor* both the detecting of events related to monitored resources and the tracking of hierarchical relationships of said resources take place **outside of** the monitored environment.

By contrast, Applicants claims are directed to a monitor service creating a monitor tree **within the managed bean server which is being monitored** by the monitor service, the monitor tree including monitor tree nodes having monitor managed beans to retrieve monitoring data for various monitored resources. By creating the monitor tree within the managed bean server which is being monitored, the managed bean server itself can assume the tasks of (1) detecting changes to the status of its resources, and (2) maintaining resource status data in a hierarchical tree structure which is convenient for retrieval and use by the monitor service in generating GUI display information. This may have various benefits over *Sylor* including, for example, reducing the processing load of a monitor service and simplifying data exchanges between the monitor service and a managed bean server.

The Office Action does not offer *Melillo* as teaching or suggesting the variously claimed creation of a hierarchical monitor tree in the managed bean server by a monitor service monitoring said managed bean server. Applicants submit that no combination of *Sylor* and *Melillo* teaches or suggests a monitor service monitoring a managed bean server, including the monitor service **creating in the managed bean server** a hierarchical monitor tree according to semantics retrieved by the monitor service. Therefore, the cited references fail to either teach or suggest at least one limitation of the invention as variously recited in each of independent claims 1, 21, and 27.

Accordingly, each of independent claims 1, 21, and 27 is non-obvious in light of *Sylor* and *Melillo*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 1-9, 21-31 and 33-38 based on *Sylor* and *Melillo* be withdrawn.

35 U.S.C. §103(a) Rejection over *Sylor* in view of *Melillo* and *Kekic*

The Office Action rejects claims 10, 32, 39 and 40 under 35 U.S.C. §103(a) as allegedly being obvious in light of *Sylor* et al, USPN 2002/0186238 (hereinafter “*Sylor*”) in view of *Melillo*, USPN 2004/0003122 (hereinafter “*Melillo*”) and in further view of *Kekic* et al., USPN 6,664,978 (hereinafter “*Kekic*”). In rejecting the above claims, the Office Action relies upon characterizations of *Sylor* and *Melillo* made in the 35 U.S.C. §103 rejection of independent claims 1, 21 and 27, discussed above. For at least the following reasons, Applicants traverse the above rejection.

As demonstrated above, there is at least one limitation in each of currently amended independent claims 1, 21 and 27 which are neither taught nor suggested by any combination of *Sylor* and *Melillo* – e.g. a monitor service monitoring a managed bean server, including the monitor service **creating in the managed bean server** a hierarchical monitor tree according to semantics retrieved by the monitor service. The Office Action does not offer *Kekic* as teaching or suggesting those claim limitations which are not taught or suggested by *Sylor* and *Melillo* alone. Applicants submit that no combination of *Sylor*, *Melillo* and *Kekic* teaches or suggests a monitor service monitoring a managed bean server, including the monitor service creating in the managed bean server a hierarchical monitor tree according to semantics retrieved by the monitor service. Therefore, the cited references fail to either teach or suggest at least one limitation of the invention as variously recited in each of currently amended independent claims 1, 21 and 27.

Accordingly, each of current independent claims 1, 21 and 27 is non-obvious in light of *Sylor*, *Melillo* and *Kekic*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 10, 32, 39 and 40 based on *Sylor*, *Melillo* and *Kekic* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-10 and 21-40 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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